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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/846,311	05/01/2001	Ravesh Lala	RSW920010070US1	4707
26502	7590	08/13/2004	EXAMINER	
IBM CORPORATION IPLAW IQ0A/40-3 1701 NORTH STREET ENDICOTT, NY 13760			VU, THONG H	
			ART UNIT	PAPER NUMBER
			2142	

DATE MAILED: 08/13/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

09/846,311

Applicant(s)

LALA ET AL.

Examiner

Thong H Vu

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 01 May 2001.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-20 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 01 May 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date 70601.

- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

## Best Available Copy

1. Claims 1-20 are pending.

***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. Claims 1-20 are rejected under 35 U.S.C. § 102(e) as being anticipated by Faris et al [Faris 6,659,861 B1].
3. As per claim 1, Faris discloses a method for enabling a web server to provide a commercial promotion, comprising the acts of:

detecting a qualifying value of a commercial transaction [Faris, monitoring the client activities, col 17 lines 42-52];

checking a database of promotions for presence of a promotion that includes the qualifying value [Faris, promotion system, databases, col 14 lines 50-67; transactions, col 46 line 8-25, col 47 lines 10-20, col 48 lines 10-24; qualify tests, col 22 lines 7-33];  
and

when a promotion that includes the qualifying value is present in the database (i.e.: a competition promoting database), executing a module of selectively executable compiled web server code that provides the promotion [Faris, a competition promotion

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server, a competition promoting database and Web server, col 14 lines 50-col 15 line 40; rewards, prizes, col 1 lines 30-40, col 17 lines 42-52].

4. Claims 2,7,11,12,17 contain the similar limitations set forth of claim 1. Therefore, claims 2,7,11,12,17 are rejected for the similar rationale set forth in claim 1.

5. As per claims 3,13 Faris discloses the module is associated with the reward value by a pointer [Faris, rewards, prizes, col 1 lines 30-40, col 17 lines 42-52; prize levels, specify qualifications, judging and sorting the responses, col 18 lines 19-67].

6. As per claims 4,14 Faris discloses the pointer is in the database [Faris, a contestant database, query/answer database, col 17 lines 57-67].

7. As per claim 5, including the act of advancing a promotion counter in response to executing the module [Faris, counter, col 7-42].

8. As per claims 6,15 Faris discloses the module is associated with the reward value implicitly [Faris, rewards, prizes, col 1 lines 30-40, col 17 lines 42-52; prize levels, col 18 lines 19-60].

9. As per claims 8,18 Faris discloses the act of determining whether the promotion that includes the qualifying value is active further includes the act of checking a start date [Faris, start time, col 17 lines 1-5].

10. As per claims 9,19 Faris discloses the act of determining whether the promotion that includes the qualifying value is active further includes the act of checking a stop date [Faris, finish-time, col 17 lines 1-5].

11. As per claims 10,16,20 Faris discloses the act of advancing a promotion counter in response to executing the module as inherent feature of counter [Faris, counter, col 7-42].

12. Any inquiry concerning this communication or earlier communications from the examiner should be directed to examiner Thong Vu, whose telephone number is (703)-305-4643. The examiner can normally be reached on Monday-Thursday from 8:00AM- 4:30PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, *Jack Harvey*, can be reached at (703) 305-9705.

Any inquiry of a general nature or relating to the status of this application should be directed to the Group receptionist whose telephone number is (703) 305-9700.

Any response to this action should be mailed to: Commissioner of Patent and Trademarks, Washington, D.C. 20231 or faxed to :

After Final (703) 746-7238

Official: (703) 746-7239

Non-Official (703) 746-7240

Hand-delivered responses should be brought to Crystal Park 11,2121 Crystal Drive, Arlington. VA., Sixth Floor (Receptionist).

**Thong Vu**  
**Patent Examiner**  
**Art Unit 2142**



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